

MISSOURI COURT OF APPEALS WESTERN DISTRICT

STATE OF MISSOURI, ex rel. SAINT LOUIS CHARTER SCHOOL,

Appellant,

v.

**STATE BOARD OF EDUCATION, AND DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION; AND SPECIAL ADMINISTRATIVE BOARD OF THE
TRANSITIONAL SCHOOL DISTRICT OF THE CITY OF ST. LOUIS,**

Respondents.

DOCKET NUMBER WD74318

Date: September 18, 2012

Appeal from:
Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

Appellate Judges:
Division One: James M. Smart, Presiding Judge, Lisa White Hardwick and Gary D. Witt,
Judges

Attorneys:
Jay Summerville, St. Louis, MO; Jeffery T. McPherson, Clayton, MO; Sherry L.
Doctorian, St. Louis, MO, for appellant.
James R. Layton, Jefferson City, MO and Thomas L. Caradonna, St. Louis, MO, for
respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI, ex rel. SAINT LOUIS CHARTER SCHOOL

Appellant,

v.

**STATE BOARD OF EDUCATION, AND DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION; AND SPECIAL ADMINISTRATIVE BOARD OF THE
TRANSITIONAL SCHOOL DISTRICT OF THE CITY OF ST. LOUIS,**
Respondents.

WD74318

Cole County

Before Division One: James M. Smart, Presiding Judge, Lisa White Hardwick and
Gary D. Witt, Judges

Saint Louis Charter School ("SLCS") appeals the circuit court's decision denying its request for mandamus relief. SLCS contends the court erred in refusing to direct the Department of Secondary and Elementary Education ("DESE") to authorize payment of the amount of state school aid that DESE determined SLCS was underpaid for three years. SLCS also asserts the court erred in refusing to direct DESE to determine the amount of state aid that SLCS was allegedly underpaid for a fourth year and to authorize payment of that amount to SLCS.

APPEAL DISMISSED.

Division One holds:

There is no final judgment in this case because the purported judgments dispose of only one remedy and leave another remedy relating to the same legal rights open for future adjudication. In its amended petition, SLCS sought either mandamus relief or

judicial review of DESE's decisions (1) refusing to adjudicate the amount SLCS alleged the School District had underpaid it and (2) refusing to authorize payment to SLCS of the amount of any underpayment. The first purported judgment disposed of SLCS's request for relief regarding DESE's refusal to adjudicate, as the court granted mandamus relief and ordered DESE to adjudicate the underpayment. The second purported judgment denied SLCS's request for mandamus relief ordering DESE to authorize payment to SLCS of the amount of the underpayment. Neither purported judgment disposed of SLCS's alternative request for judicial review of DESE's refusal to authorize payment. Because the remedy of judicial review of this issue is open to future adjudication, there is no final judgment and the appeal must be dismissed.

Opinion by: Lisa White Hardwick, Judge

September 18, 2012

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.